

## 2011 DRAFTING REQUEST

### Bill

Received: 11/08/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Bill Kramer (608) 266-8580

By/Representing: Adam Neylon

May Contact:

Drafter: tkuczens

Subject: Courts - civil procedure

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Kramer@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

change action to establish claim under Unclaimed Property Act

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 11/08/2011	kfollett 11/08/2011		_____			
/1			phenry 11/08/2011	_____	mbarman 11/08/2011	ggodwin 11/22/2011	
				_____	ggodwin 11/15/2011		
				_____			

FE Sent For:



<END>

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/1			phenry 11/08/2011	_____	mbarman 11/08/2011		
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Received: **11/08/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Bill Kramer (608) 266-8580** ← *changed per TTK*

By/Representing: **Adam Neylon**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Kramer@legis.wisconsin.gov**

Carbon copy (CC:) to:

## **Pre Topic:**

No specific pre topic given

## **Topic:**

change action to establish claim under Unclaimed Property Act

## **Instructions:**

See attached

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/1			phenry 11/08/2011		mbarman 11/08/2011 ggodwin 11/15/2011		

FE Sent For:

<END>

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **11/08/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Jim Ott (608) 266-0486**

By/Representing: **himself**

May Contact:

Drafter: **tkuczens**

Subject: **Courts - civil procedure**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.OttJ@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

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### **Instructions:**

See attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 11/08/2011	kfollett 11/08/2011		_____ _____			
/1			phenry 11/08/2011	_____ _____	mbarman 11/08/2011		

FE Sent For:

**<END>**

# 2011 DRAFTING REQUEST

## Bill

Received: 11/08/2011

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Jim Ott (608) 266-0486

By/Representing: himself

May Contact:

Drafter: tkuczens

Subject: Courts - civil procedure

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.OttJ@legis.wisconsin.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

### Pre Topic:

No specific pre topic given

### Topic:

change action to establish claim under Unclaimed Property Act

### Instructions:

See attached


### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens	11/5 f 11/8	11/8 ph	_____			

FE Sent For: <END>



State of Wisconsin  
2011 - 2012 LEGISLATURE

3442/1  
  
LRB-0525/1  
TKK:kjf:jf  
RNNR

2011 BILL

11/8/11 Today  
Companion to LRB-0525

Regen

- 1 AN ACT *to amend* 177.26 of the statutes; **relating to:** procedures for establishing  
2 a claim (suggested as remedial legislation by the Office of the State Treasurer).

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***Analysis by the Legislative Reference Bureau***

Under current law, a person may claim an interest in abandoned, intangible property by filing a claim with the state treasurer. Intangible property is presumed to be abandoned if it is held, issued, or owing in the ordinary course of a holder's business and it has remained unclaimed by the owner for more than five years after it became payable or distributable. Current law requires the state treasurer to consider each claim within 90 days after the claim is filed. The state treasurer may also refer a claim to the attorney general for an opinion on whether to either allow the claim or deny the claim in whole or in part.

A person aggrieved by a decision of the state treasurer or whose claim has not been acted upon within 90 days (claimant) may, under current law, bring an action to establish the claim in circuit court. If, in circuit court, the claimant establishes the claim against the state treasurer, the court must award costs and reasonable attorney fees to the claimant.

This bill permits a claimant to petition for judicial review of the decision or inaction of the state treasurer under chapter 227 of the statutes; chapter 227 establishes uniform procedures for the review of administrative actions and decisions. The bill also eliminates the mandatory award of costs and reasonable attorneys fees to a claimant who prevails against the state treasurer in circuit court in those cases in which the circuit court determines the state treasurer was substantially justified in taking its position or in which special circumstances exist that would make the award of costs and attorney fees unjust.

**BILL**

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Office of the State Treasurer and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

**SECTION 1.** 177.26 of the statutes is amended to read:

**177.26 Action to establish claim.** A person aggrieved by a decision of the administrator or whose claim has not been acted upon within 90 days after its filing may ~~bring an action to establish the claim in the circuit court, naming the administrator as a defendant. The action shall be brought~~ petition for judicial review of the decision or of the claim under s. 227.52, except that petitions for review shall be served and filed within 90 days after the decision of the administrator or within 180 days after the filing of the claim if the administrator has failed to act on it. If the person establishes the claim in an action against the administrator, the court shall award the person costs and reasonable attorney fees incurred in connection with the petition for judicial review, unless the court finds that the administrator was substantially justified in taking its position or that special circumstances exist that would make the award unjust.

**(END)**

## Godwin, Gigi

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**From:** Godwin, Gigi  
**Sent:** Tuesday, November 15, 2011 4:12 PM  
**To:** Kuczenski, Tracy  
**Subject:** RE: treasury bills

Hi Tracy. Sure, I will resubmit them. And thanks for switching the requester. --Gigi

Gigi Godwin, Program Assistant  
State of Wisconsin - Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53703  
(608) 266-3561  
[Gigi.Godwin@legis.wisconsin.gov](mailto:Gigi.Godwin@legis.wisconsin.gov)

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, November 15, 2011 4:06 PM  
**To:** Godwin, Gigi  
**Cc:** Barman, Mike  
**Subject:** FW: treasury bills

Hi Gigi –

I just sent this to Mike and realized he is out for the rest of the day; would you be able to resubmit these drafts to Rep. Kramer?

Thanks,  
Tracy

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** Kuczenski, Tracy  
**Sent:** Tuesday, November 15, 2011 4:04 PM  
**To:** Barman, Mike  
**Subject:** FW: treasury bills

Hi Mike – could you please re-submit the following three LRB numbers to Rep. Kramer (I already switched the requester from Ott to Kramer):

LRB-3442  
LRB-3443  
LRB-3444

Thanks!

Tracy K. Kuczenski  
*Legislative Attorney*  
Wisconsin Legislative Reference Bureau  
[tracy.kuczenski@legis.wisconsin.gov](mailto:tracy.kuczenski@legis.wisconsin.gov)  
(608) 266-9867

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**From:** Julian, Jamie



**Sent:** Tuesday, November 15, 2011 1:54 PM  
**To:** Kuczenski, Tracy  
**Cc:** Neylon, Adam  
**Subject:** treasury bills

Hello,

Rep. Kramer is going to be the Assembly lead for the three Law Revision/Treasury Bills (Instead of J. Ott). Could you please forward the appropriate emails to Adam Neylon so they can get the Assembly bills jacketed? I can't forward my emails.

Thanks.

Sincerely,  
Jamie Julian  
Legislative Aide  
Office of Senator Grothman

(800) 662-1227  
(608) 266-7513

**Godwin, Gigi**

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**From:** Neylon, Adam  
**Sent:** Tuesday, November 22, 2011 10:23 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3442/1 Topic: change action to establish claim under Unclaimed Property Act

Please Jacket LRB 11-3442/1 for the ASSEMBLY.